

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

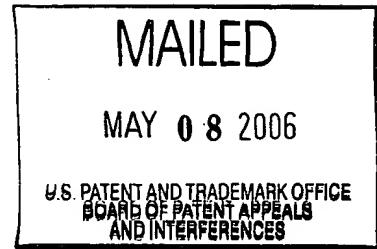
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CRAIG DAVID WEISSMAN, GREGORY VINCENT WALSH, and ELIOT LEONARD WEGBREIT

Appeal No. 2006-0331
Application No. 09/625,518

ON BRIEF



Before THOMAS, KRASS, and BLANKENSHIP, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-47.

The invention is directed to a system for creating a database in a computer, best illustrated by reference to representative independent claim 1 reproduced as follows:

1. A method of creating a system for creating a well-formed database system using a computer, the method comprising:

the computer accessing a definition of the system, the definition defining a schema for use by the system, the schema defining a set of tables, a set of columns that correspond to the set of tables, and a set of relationships between the tables of the set of tables, the definition further defining a set of operations for manipulating the data, the set of operations defining programs that operate on the set of tables and the set of table columns; and

the computer using the definition to generate the set of tables.

The examiner relies on the following references:

Bachman et al. (Bachman)	5,249,300	Sep. 28, 1993
Bapat	5,295,256	Mar. 15, 1994
Koss	5,272,628	Dec. 21, 1993
Rosensteel Jr. et al. (Rosensteel)	6,167,405	Dec. 26, 2000
		(Filed Apr. 27, 1998)
Skinner et al. (Skinner)	6,085,198	Jul. 04, 2000
		(Filed Jun. 05, 1998)
Smiley	6,263,341	Jul. 17, 2001
		(Filed Jun. 7, 1995)
Tse et al. (Tse)	6,282,544	Aug. 28, 2001
		(Filed May 24, 1999)

Index interface links CASE and IBM's DB2, Feuche (Pages 1-2)
Oct. 24, 1988

Claims 1-47 stand rejected under 35 U.S.C. §103. As evidence of obviousness, the examiner cites Smiley and Feuche with regard to claims 1, 2, 6, 10, 11, 17, 18, 21, 22, 26, 27, 29-31, 36, 38, 39, 43, and 44, adding, alternatively, Bapat with regard to claims 3, 5, 23, 25, 32, 34, 40, 42, 45, and 47, Bachman with regard to claims 4, 7, 24, 33, 41, and 46, Skinner with regard to claim 8, Rosensteel with regard to claim 9, Koss with regard to claims 12-16, 19, and 28, Tse with regard to claim 20, Bapat and Koss with regard to claim 35, and Koss and Bachman with regard to claim 37.

Reference is made to the briefs and answers for the respective positions of appellants and the examiner.

OPINION

At the outset, we note that, in accordance with appellants' grouping of the claims at page 3 of the principal brief, all claims will stand or fall together. We focus on independent claim 1.

In rejecting claims under 35 U.S.C. §103, the examiner bears the initial burden of presenting a prima facie case of obviousness. See In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). To reach a conclusion of obviousness under §103, the examiner must produce a factual basis supported by a teaching in a prior art reference or shown to be common knowledge of unquestionable demonstration. Our reviewing court requires this evidence in order to establish a prima facie case. In re Piasecki, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-88 (Fed. Cir. 1984). The examiner may satisfy his/her burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead the individual to combine the relevant teachings of the references. In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

With regard to independent claim 1, the examiner asserts that Smiley discloses a method whereby a computer accesses a definition of the system, the definition defining a schema for use by the system (the examiner refers to column 4, lines 20-30, regarding "The OBJECTS include ATTRIBUTES...").

The examiner identifies column 3, lines 8-11, of Smiley, regarding "Alternatively, the attributes of OBJECT 12 may be configured..." as a teaching of the schema defining a set of tables, a set of columns that corresponds to the set of tables, and a set of relationships between the tables of the set of tables. The examiner also cites column 3, lines 27-33, regarding "RELATIONSHIP entity 14 preferably contains attributes of fields which record....," and column 4, lines 25-32, regarding "Another OBJECT 12 is ENTITY 21..."

With regard to the claimed "definition further defining a set of operations for manipulating the data, the set of operations defining programs that operate on the set of tables and the set of table columns," the examiner cites column 6, line 66 through column 7, line 3, of Smiley.

The examiner recognizes that Smiley lacks a teaching of the computer using the definition to generate the set of tables. The examiner then turns to Feuche for this limitation, pointing, specifically, to the last two paragraphs of page 1 to the first line of page 2, wherein the link's DB2 utilities automatically create DB2 entities and the link can automatically create DB2 tables from logical record definitions.

The examiner concludes that it would have been obvious to incorporate using the definition to generate the set of tables, as disclosed by Feuche, into the system definition access taught by Smiley "to eliminate the need to manually re-key design and

data requirements, thereby increasing productivity and reducing design discrepancies and system errors" (answer-page 5).

We have considered the evidence before us, including, inter alia, the disclosures of the applied references and the arguments of appellants and the examiner and we conclude therefrom that the examiner has not established the requisite prima facie case of obviousness.

We do not find, within the disclosures of Smiley and/or Feuche, the claimed "set of relationships between the tables...the definition further defining a set of operations for manipulating the data, the set of operations defining programs that operate on the set of tables and the set of table columns," wherein the definition is used to generate the set of tables.

The examiner says that Feuche discloses using the definition to generate the set of tables because it discloses, at the bottom of page 1, that a "link can automatically create DB2 tables from logical record definitions." However, we agree with appellants when they assert, at page 3 of the reply brief, that "[j]ust because the DB2 tables can be created from definitions does not teach or suggest that the system disclosed in Feusche (sic, Feuche) is capable of generating a set of tables using a definition **defining a set of relationships between the tables**, as claimed in the present application" [emphasis in the original]. In other words, we know nothing about the "definitions" recited in Feuche and it would be speculation, at best, to assert that

the logical record definitions developed in the Excelerator are "definitions," as claimed, i.e., that the definitions of Feuche define a set of relationships between tables of a set of tables. In fact, it is unclear from Feuche where Feuche would even obtain information about relationships between tables that might be used when generating the set of tables, so it does not appear reasonable to contend, as the examiner does, that Feuche discloses the definition to generate the set of tables as recited in the instant claims.

Even assuming, arguendo, that Smiley disclosed all that the examiner alleges, there would still be no apparent reason for the artisan to have modified Smiley in any manner so as to provide for using the definition (column 4, line 23, of Smiley) to generate the set of tables (the examiner appears to indicate column 3, lines 8-11, of Smiley as providing for the set of tables, but it is unclear to us that this portion of Smiley provides for such).

Further, we agree with appellants (pages 6-7 of the reply brief) that there is nothing in the cited portions of Smiley (columns 3, 4, 6, and 7) that suggests the generation of a set of tables based on a definition defining a set of relationships between the tables, as claimed.

Moreover, none of the other cited references remedy the deficiency of Smiley and Feuche.

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Accordingly, we will not sustain the rejection of claims 1-47 under 35 U.S.C. §103.

The examiner's decision is reversed.

REVERSED

JAMES D. THOMAS)
Administrative Patent Judge)
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)

Errol A. Krass)
ERROL A. KRASS)
Administrative Patent Judge)
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BINGHAM, MCCUTCHEN LLP
THREE EMBARCADERO CENTER
18TH FLOOR
SAN FRANCISCO, CA 94111-4067